MONTANA LEGISLATIVE HISTORY

Chapter 93 1965

Bill H 49 S _____ Original bill & history ____C

H. Committee on State Administration		S. Committee on State Administration	
Hearing Date(s) Jan 11	✓ C	Hearing Date(s) Feb 12	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out _____	____C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

STATE ADMINISTRATION COMMITTEE

January 11, 1969

The State Administration Committee met on Saturday, January 11, 1969, at 10:00 A.M. in Room 434 of the State Capitol Building with Chairman Ulmer presiding. Eleven members were present, six absent.

Mr. Ulmer informed the committee that HB46, 49, and 42 would be discussed. HB17 was held over until January 14.

Representative Dye appeared to present his views on HB46, a bill which would give the title of Lieutenant to the present assistant chief examiner of the Montana Highway Patrol Division.

A presentation was given by Representative Bardanouve on HB49. He outlined the discrepancies of reports which are required by state agencies and he asked for approval of the bill which would condense and compile into one volume all reports.

Representative Harrison appeared before the committee to explain the purpose of HB42 which would increase travel expenses from 8¢ to 9¢ per mile and add $20.00 per day in addition to actual expenses for legislative members attending interim committee meetings.

Chairman Ulmer then asked the committee for their consideration on all of the bills.

HB46..Representative Newby moved a DO PASS. Mr. Jurcich seconded. Motion carried.

HB49..Representative Scott moved a DO PASS. Mr. Staigmiller seconded. Motion carried.

HB42..Representative Feda moved a DO PASS. Mr. Jurcich seconded. Then Mr. Rygg asked for a fiscal note on the bill. The motion was held in abeyance until a fiscal note could be obtained.

The meeting was adjourned at 10:45 A.M. until Tuesday, January 14, at which time HB105, 3, 76, and 17 will be discussed.

Walter J. Ulmer

WALTER J. ULMER, CHAIRMAN

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FISCAL NOTE

REQUEST NO. 18

In compliance with a written request received January 9 19 67, there is hereby submitted a Fiscal Note for House Bill No. 49 pursuant to Chapter 53, Session Laws - 39th Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of the Budget Director to members of the Legislative Assembly upon request.

This proposal would extend group hospitalization and group medical, health, accident and/or life insurance to officers and employees of the various agencies and departments of state government. Participation will be by individual departments upon approval by a two-thirds (2/3) vote of the officers and employees of said department. The State of Montana will pay, as part of the officers' and employees' salary, one-half of the total premium thereof; provided, however, that such payment shall not exceed seven dollars and fifty cents ($7.50) per month for each officer and employee.

The cost of this proposal will vary with department and individual participation. Assuming that all departments will participate, the following annual cost estimates have been computed on the base figure of 10,606 bonded state employees and are presented on the basis of employee participation:

Employee Participation	Annual Cost
66 2/3% (minimum employee participation)	$ 616,068
70%	646,920
80%	739,368
90%	831,720

Under this proposal, the long-range cost will be effected by increases (or decreases) of state employees who choose to participate.

Cost of administration can be absorbed without additional expense by the participating departments.

It is estimated that approximately 50% of the total cost of this proposal will be funded from the General Fund.

Patrick Thomas

State Budget Director

January 14, 1967

Date

to Mr. Vick East stating his reasons for proposing changes to the penalty clauses in Section 11, and stating he felt subsections (c) in that section to be too weak. This was presented for the committees consideration. Mr. Dye offered to work on any amendments that might be needed on the bill, and apologized for seeming to make the committee a "band-aid committee".

HOUSE BILL 366, regarding increasing the membership of the advisory Board of the Montana Law Enforcement Academy, was explained by Representative Bob Dye, at which time he states this bill was requested by the Attorney General's office.

HOUSE BILL 366 BE CONCURRED IN, was moved by Senator Mackay and seconded by Senator McDonald and carried, following further discussion.

HOUSE BILL 137 was put in the sub committee of Senator McKeon and Senator Lyon.

HOUSE BILL 49, regarding a uniform system of state reports, was explained by the bill's sponsor, Representative Frances Bardanouve, who introduced the Legislative Intern who accompanied him to the meeting as Miss Eastman of the University of Montana. Chairman James introduced Pastor Don Tiegas of Joplin and the three children who were with him.

Representative Bardanouve stated this legislation had come from the work of a bi-partisan committee, and under it reports would be made to the Governor and these would then be put into one basic report volume. He referred the committee to page 21, Chapter IV of the Legislative Council report. He further stated that this system would be a savings in money to the state as, for example, often the covers of some reports cost more than the report itself does. He stated that it had taken a great deal of effort during the interim to find out the total cost of state printing and that as yet no one had been able to find out the exact cost of printing the annual agency reports.

HOUSE BILL 153 was explained by Representative Francis Bardanouve, who stated that this bill had also come from a non-partisan interim committee and specifically referred the committee to page 2, lines 19 and 20. House Bill 153 be concurred in was moved by Senator Mackay, seconded by Senator McDonald and opened for further discussion. Senator McKeon felt the Department of Public Instruction should be consulted, therefore the committee agreed to table the motion before it.

HOUSE BILL 451 was explained by Representative Bardanouve, who stated that it was a housekeeping bill, and that the most important part of it was on page 1, lines 4 and 5.

HOUSE JOINT RESOLUTION 11 was explained by Representative Robert Watts, Missoula. The resolution would provide that the legislative Council be directed to prepare legislation that would provide for a Viet Nam Honorarium. He said that the sinking fund will have coming in about fifteen million dollars this year. One-third comes from cigaret tax and two-thirds from the corporation license tax and the income tax there is, therefore, plenty of money is available for this Honorarium. He stated that the bonding companies would easily buy forty-five million dollars worth of bonds on this fund.

The meeting was adjourned. There will be another meeting this day on adjournment.

HOUSE BILL 373 BE CONCURRED IN was moved by Senator Rosell, seconded by Senator Mackay and unanimously carried.

HOUSE JOINT RESOLUTION 11 BE CONCURRED IN was moved by Senator McKeon, seconded by Senator McDonald and carried unanimously.

HOUSE JOINT RESOLUTION 5 AND HOUSE JOINT RESOLUTION 18 be referred to the Senate Committee on Finance and Claims was moved by Senator McKeon, seconded by Senator Mackay and carried.

HOUSE BILL 49 BE CONCURRED IN was moved by Senator McKeon, seconded by Senator McDonald and carried.

HOUSE BILL 451 BE CONCURRED IN was moved by Senator McKeon, seconded by Senator Lyon and carried. Senator Mackay agreed to carry it on the floor.

The meeting was adjourned by Chairman James.

James JAMES

shall include a posthumous child, a *dependent* stepchild, a child legally adopted prior to the injury, an illegitimate child legitimized prior to the injury.''

Approved: February 24, 1969.

CHAPTER 93

An Act to Establish Uniform Reporting Requirements for All State Executive Agencies; Amending Sections 1-202, 3-106, 3-2914, 4-227, 5-902, 12-404, 26-124, 27-306, 32-2409, 41-803, 41-906, 44-403, 46-2306, 60-127, 62-504, 66-109, 66-408, 66-513, 66-904, 66-1009, 66-1311, 66-1410, 66-1504, 66-2203, 66-2334, 69-4106, 70-111, 71-209, 75-107, 77-120, 80-1405, 81-1411, 82-111, 82-302, 82-1002, 82-1519, 82-3606, 87-120, 92-118, 94-9824, and 82-1916, R.C.M. 1947; and Repealing Sections 40-2712, 41-1607, 41-1608, 46-106, 46-242, 66-2106, 72-138, 75-1309, 75-1310, 81-206, 81-1702.4, 82-804.3, 82-2704, 82-3506, and 82-3708, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. As used in this act, unless the context clearly indicates otherwise:

"State agency." (1) ''State agency'' means any elective official, office, department, board, bureau, or commission which is of the executive branch of state government.

"Elective official." (2) ''Elective official'' means the superintendent of public instruction, board of railroad commissioners, secretary of state, attorney general, state auditor, and state treasurer.

Written report. Section 2. (1) Before September 1 of each even numbered year, each state agency shall submit a written report to the governor of its activities during the immediately preceding fiscal biennium.

Report to contain. (2) Each report shall contain information prescribed by the governor describing fully the activities of the state agency. Reports shall contain recommendations from each state agency for improvements in programs administered by it.

Filing of reports. (3) State agency reports shall be filed in the governor's office and are open for inspection by any person.

Governor's duties. (4) From the reports submitted to him the governor shall:

(a) delete extraneous or duplicated data;

(b) standardize the presentation of data to the extent feasible and desirable;

(c) request pertinent additional information he wishes included in the report;

(d) prepare a report for submission to the legislative assembly before the fifth legislative day of any regular session.

(5) Except as provided in subsection (6) of this section, the governor may authorize the publication of a state agency report in pamphlet form. The report in pamphlet form shall be published and distributed by the state agency responsible for reporting.

Biennial reports by elective officials. (6) An elective official may publish a biennial report in pamphlet form, in addition to the report to the governor required by subsection (1) of this section, without permission from the governor.

Distribution of reports. (7) Copies of each report published as provided in subsections (4), (5) and (6) of this section shall be distributed as follows:

(a) two (2) copies to the secretary of state;

(b) two (2) copies to the legislative council;

(c) two (2) copies to the legislative auditor;

(d) one (1) copy to each member of the legislative assembly;

(e) two (2) copies to the director of the budget;

(f) two (2) copies to the librarian of the state historical society;

(g) at least four (4) copies to the state publications distribution center of the state library and additional copies as requested by the state library;

(h) additional distribution in the discretion of the governor or state agency.

Amending clause.

Section 3. Section 1-202, R.C.M. 1947, is amended to read as follows:

Organization—meetings—reports.

"1-202. **Organization—meetings—reports.** The commission shall shall, within thirty days after its appointment, organize, adopt a seal, and make such rules and regulations for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such rules and regulations. At such organization meeting it shall elect from among its members a chairman, a vice-chairman and a secretary, to serve for one year, and annually thereafter shall select such officers; all to serve until their successors are appointed and qualified. It shall at its initial meeting fix the date and place for its regular meetings. Four members shall constitute a quorum, and no action shall be taken by less than a majority of the commission. Special meetings may be called as provided by its rules and regulations. All regular and special commission meetings shall be open to the public. It shall report *as provided in section 2 of this act.* The fiscal year of the commission shall conform to the fiscal year of the state."

Amending clause.

Section 4. Section 3-106, R.C.M. 1947, is amended to read as follows:

Biennial report.

"3-106. *Biennial* **report.** The commissioner of agriculture shall *report as provided in section 2 of this act.*

Amending clause.

Section 5. Section 3-2914, R.C.M. 1947, is amended to read as follows:

Commissioner to report.

"3-2914. **Commissioner to report.** The commissioner of agriculture and the chief of the wheat research and marketing division shall *report as provided in section 2 of this act.*"

Amending clause.

Section 6. Section 4-227, R.C.M. 1947, is amended to read as follows:

Reports to state examiner—biennial reports—contents.

"4-227. **Reports to state examiner**—*biennial* **reports—contents.** (1) Effective July 1, 1949 the board shall from time to time make reports to the state examiner covering such matters in connection with administraion or enforcement of this act as he may require, and shall *also report as provided in section 2 of this act.*

(2) The books and records of the board shall be at all times subject to examination and audit by the state examiner or his duly authorized agents or employees."

Amending clause.

Section 7. Section 5-902, R.C.M. 1947, is amended to read as follows:

Reports and records of superintendent.

"5-902. **Reports and records of superintendent.** The superintendent of banks shall keep all proper records and files pertaining to the duties and work of his office, and shall report *as provided in section 2 of this act.*"

Amending clause.

Section 8. Section 12-404, R.C.M. 1947, is amended to read as follows:

Duties of commissioners.

"12-404. **Duties of commissioners.** Each commissioner shall attend the meeting of the national conference of commissioners on uniform state laws, and both in and out of such national conference shall do all in his power to promote uniformity in state laws, upon all subjects where uniformity may be deemed desirable and practicable; said commission shall report *as provided in section 2 of this act.* It shall also be the duty of said commission to bring about as far as practicable the uniform judicial interpretation of all uniform laws."

Amending clause.

Section 9. Section 26-124, R.C.M. 1947, is amended to read as follows:

Reports of state fish and game director.

"26-124. **Reports of state fish and game director.** The state fish and game *director* shall, on or before the first day of June of each year, make a written report to the state fish and game commission of the operation of his department during the preceding year ending April 30th and the state fish and game commission shall thereafter *report as provided in section 2 of this act.*"

Amending clause.

Section 10. Section 27-306, R.C.M. 1947, is amended to read as follows:

Board of food distributors—powers and duties.

"27-306. **Powers and duties of the state board of food distributors.** (a) To regulate the quality of all food sold at retail in this state, using the state and federal pure food and drug acts as the standard.

(b) It may, by its duly authorized representative, enter and inspect any and all places where food is sold, vended, given away, or manufactured. It shall be unlawful for any person to refuse to permit or otherwise prevent

such representative from entering such places and making such inspection.

(c) To report *as provided in section 2 of this act.*

(d) To employ necessary assistants, and make rules for the conduct of its business.

(e) To perform such other duties and exercise such other powers as the provisions of the act may require.

(f) For the purposes aforesaid, it shall also be the duty of the board to make and publish uniform rules and regulations not inconsistent herewith, for carrying out and enforcing the provisions of the act."

Amending clause.

Section 11. Section 32-2409, R.C.M. 1947, is amended to read as follows:

Duties of commission—reports.

"32-2409. **Duties of commission—reports.** The commission shall: (1) Make all rules and regulations necessary for its government.

(2) Maintain and preserve all its records in its office at the capitol, keeping its office open as such times as its business shall require.

(3) File and preserve:

(a) A record of all proceedings and orders pertaining to the matters under its direction.

(b) Copies of all plans, specifications, contracts, estimates and official acts.

(4) Prepare and submit to the governor on or before the fifteenth day of each month a report of work constructed, under construction, and proposed for construction, the progress made during the preceding month, and recommendation for improvements and their estimated costs.

(5) *Report as provided in section 2 of this act.*"

Amending clause.

Section 12. Section 41-803, R.C.M. 1947, is amended to read as follows:

Division of vocational rehabilitation—duties of director.

"41-803. **Director of division of vocational rehabilitation.** The division shall be administered, under the general supervision and direction of the state board, by a director appointed by such board in accordance with established personnel standards and on the basis of his education, training, experience, and demonstrated ability. In carrying out his duties under this act, the director

(a) shall make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, and investigation and determination thereof, for vocational rehabilitation services, procedures for fair hearings and such other regulations as he finds necessary to carry out the purposes of this act;

(b) shall, with the approval of the state board, establish appropriate subordinate administrative units within the division;

(c) shall, with the approval of the state board, appoint such personnel as he deems necessary for the efficient performance of the functions of the division;

(d) shall prepare and submit to the state board annual reports of activities and expenditures, and *report as provided in section 2 of this act;*

(e) shall make certification for disbursement, in accordance with regulations, of funds available for vocational rehabilitation purposes;

(f) shall, with the approval of the state board, take such other action as he deems necessary or appropriate to carry out the purposes of this act;

(g) may, with the approval of the state board, delegate to any officer or employee of the division such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the purposes of this act."

Amending clause.

Section 13. Section 41-906, R.C.M. 1947, is amended to read as follows:

Decisions of board—report to governor.

"41-906. **Decisions of board—report to governor.** Upon the receipt of said application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to the public inspection, shall be recorded upon the records of the board, *the board shall report as provided in section 2 of this act.*"

Amending clause.

Section 14. Section 44-403, R.C.M. 1947, is amended to read as follows:

Powers and duties of board.

"44-403. **Powers and duties of board.** The powers and duties of said board are as follows:

(1) To make rules and regulations, not inconsistent with law, for the government of the board and for the government and administration of the state law library, including rules designating when and for what periods of time the library shall be open to the public, and the office hours of the library.

(2) To appoint a librarian and prescribe the duties of such librarian, when not otherwise provided for by law.

(3) To sell or exchange duplicate copies of books and pay the moneys arising therefrom into the state law library fund.

(4) To see that the books and other properties of the library are maintained in good order and repair, and are protected from theft or injury.

(5) To draw from the state treasury at any time when needed for the legitimate expenses in maintaining and operating the library and acquiring books, reports, journals and other works and properties therefore, including complete sets of statutory laws and codified laws of the United States of America and of the several states of the union, and other jurisdictions, any moneys in the funds and available for such purposes.

(6) To report *as provided in section 2 of this act.*

(7) To establish such lawful relations and working arrangements with the library of Congress of the United States, with the copyright office therein, and with the superintendent of documents of the United States, as may be for the benefit and advantage of the state law library and promote the acquisition of books and other works from such sources as may be useful to those resorting to the facilities of the state law library."

Amending clause.

Section 15. Section 46-2306, R.C.M. 1947, is amended to read as follows:

Compensation of members—auditing and payment of claims.

"46-2306. **Compensation of members—auditing and payment of claims.** The members of the commission shall receive no compensation for their services other than the actual amount of traveling expenses actually incurred in respect to the performance of their official duties in attendance at regular or special meetings of the board and ten dollars ($10) per diem for each day actually in attendance at such board meetings. The per diem of each member of the board shall be limited to not exceed the amount of five hundred dollars ($500) per year, such per diem and expenses to be audited, allowed and paid as herein provided.

The commission shall audit all claims, accounts or bills for expenses, per diem, or expenditures incurred by it or its employees. If the commission approves them they shall be processed as provided by law and paid from the moneys of the Montana grass conservation commission in the earmarked revenue fund; provided that the board may by resolution authorize the secretary to audit and certify all expenses, salaries, and expense accounts of the commission, or its employees, and such audit shall be made a part of the commissioner's report *as provided in section 2 of this act.*"

Amending clause.

Section 16. Section 60-127, R.C.M. 1947, is amended to read as follows:

Powers and duties of commission.

"60-127. **Powers and duties of commission.** A. The commission has jurisdiction to exercise effectively the authority granted it by this act.

B. The commission has authority, and it is its duty, to make such investigations as it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify any action by the commission under the authority granted by this act with respect thereto.

C. The commission has authority, and it is its duty:

(1) To require: (a) identification of ownership of oil or gas wells, producing properties and tanks, (b) the making and filing of acceptable well logs, reports on well locations, and the filing of directional surveys, if made, provided, however, that logs of exploratory or wildcat wells need not be filed for a period of six (6) months following completion of such wells, (c) the drilling, casing, producing and plugging of wells in such manner as to prevent the escape of oil or gas out of one stratum into another, the intrusion of water into oil or gas stratum, blowouts, cavings, seepages, and fires: and the pollution of fresh water supplies by oil, gas, salt, or brackish water, (d) the furnishing of a reasonable bond with good and sufficient

surety, conditioned for performance of the duty to properly plug each dry or abandoned well, (e) proper gauging or other measuring of oil and gas produced and saved to determine the quantity and quality thereof, (f) that every person who produces, transports or stores oil or gas in this state shall make available within this state for a period of five (5) years complete and accurate records of the quantities thereof, which records shall be available for examination by the commission or its agents at all reasonable times, and that every such person file with the commission such reports as it may prescribe with respect to quantities, transportations, and storages of such oil or gas.

(2) For the purpose of preventing waste, (a) to regulate the drilling, producing and plugging of wells, the shooting and chemical treatment of wells, the spacing of wells, operations voluntarily entered into to increase ultimate recovery such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations and (b) to fix, upon application made by any interested person after hearing, efficient gas-oil and water-oil ratios for any particular well or wells.

(3) To regulate disposal of salt water and oil field wastes.

(4) To classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this act.

(5) To promulgate and to enforce rules, regulations and orders to effectuate the purposes and the intent of this act.

(6) *To report as provided in section 2 of this act.*

D. The commission shall have power and it shall be its duty to determine and prescribe what producing wells shall be defined as 'stripper wells' and what wells shall be defined as 'wild cat wells,' and to make such orders as in its judgment shall be required to protect such wells, and to provide that stripper wells may be produced to capacity if it is deemed necessary in the interest of conservation so to do.

E. With respect to any pool or pools from which gas was being produced by a gas well or gas wells on or prior to the date on which this act takes effect, this act shall

never be so construed as to authorize the commission at any time to limit or restrain the rate (daily or otherwise) of production of gas from such pool or pools by any well then or hereafter drilled and producing from such pool or pools to less than the rate at which such well can be produced without adversely affecting the quantity of gas ultimately recoverable by such well."

Section 17. Section 62-504, R.C.M. 1947, is amended to read as follows: Amending clause.

"62-504. **Commission's report—public record.** The commission shall keep detailed records of all meetings and of the business transacted therein, and all licenses applied for and issued. *The commission shall report as provided in section 2 of this act.* Commission's report—public record.

All records of the commission shall be public records, and as such subject to public inspection."

Section 18. Section 66-109, R.C.M. 1947, is amended to read as follows: Amending clause.

"66-109. **Compensation of members of board—disposition and use of funds—report.** Each member of the examining board is hereby allowed the sum of twenty dollars ($20) per day and mileage at the rate of ten cents *($.10)* per mile while in the discharge of his actual duties. Compensation of board members—disposition of funds—report.

And all fees and moneys received for licenses from practicing architects shall be deposited with the state treasurer to the credit of the earmarked revenue fund for the use of the board of architectural examiners.

The members of the board shall report *as provided in section 2 of this act."*

Section 19. Section 66-408, R.C.M. 1947, is amended ot read as follows: Amending clause.

"66-408. **Compensation, funds and reports.** Each members of the board shall receive a compensation of fifteen dollars ($15) per day while attending board meetings together with legitimate and necessary evpenses incurred in attending the meeting of said board. Compensation, funds and reports.

The board shall make *reports as provided in section 2 of this act."*

Amending clause.

Section 20. Section 66-513, R.C.M. 1947, is amended to read as follows:

Disposition of fees—receipts and disbursements—reports—per diem and mileage.

"66-513. **Disposition of fees—receipts and disbursements—*reports*—per diem and mileage.** All examinations and renewal fees received by the state board of chiropractic examiners under this act shall be paid to the secretary-treasurer of said board, who shall at the end of each month deposit the same with the state treasurer, and the said state treasurer shall place said money so received in the earmarked revenue fund for the use of the state board of chiropractic examiners.

The secretary-treasurer shall keep a true and accurate account of all funds received and all vouchers issued by the board; and *shall report as provided in section 2 of this act.*

The members of said board shall receive a per diem of of twenty-five dollars ($25) for each day during which they shall be actually engaged in the discharge of their duties ,and mileage at the rate of ten cents *($.10)* per mile for each mile necessarily traveled in going to and from any meeting of said board."

Amending clause.

Section 21. Section 66-904, R.C.M. 1947, is amended to read as follows:

"66-904. **Meetings — notice — quorum — funds —** *reports*—**duties—accounts.** *(1)* The board shall meet at least once in each year or oftener at any point in the state of Montana at the call of the president and the secretary-treasurer. Five days' notice must be given by the secretary-treasurer to all board members of the time and place of the meeting of said board. The regular annual meeting of the board shall be held on the second Monday in July of each year. Three members of said board shall constitute a quorum for the transaction of business and its proceedings shall be open to public inspection in all cases of public interest. All moneys received by the board and/or its officers for the board, shall be deposited with the state treasurer to the credit of the earmarked revenue fund for the use of the state board of dental examiners.

(2) The board shall report as provided in section 2 of this act.

The secretary-treasurer shall keep a complete record of

all meetings and proceedings of which records the secretary-treasurer shall be custodian, and he shall keep a true and complete account of all moneys received and disbursements made by the board and by him as such officer.

Amending clause.

Section 22. Section 66-1009, R.C.M. 1947, is amended to read as follows:

Compensation and expenses allowed board member—employment of clerks and counsel—secretary's compensation.

"66-1009. **Compensation and expenses allowed board member—employment of clerks and counsel—secretary's compensation.** Each member of the board is hereby allowed the sum of twenty dollars ($20) per day and mileage while in the active and necessary discharge of his duties as a member of said board. The rate of mileage and attendance of witnesses before said board shall be the same as is now allowed in justice of the peace courts. The board must report *as provided in section 2 of this act.* The board may employ such clerical help and legal counsel as may be necessary to carry out the terms and provisions of this act. The secretary of the board shall receive such reasonable compensation for his services as may be fixed by said board.."

Amending clause.

Section 23. Section 66-1311, R.C.M. 1947, is amended to read as follows:

Compensation of examiners—report.

"66-1311. **Compensation of examiners—report.** Each member of the board may receive as compensation the sum of twenty-five dollars ($25) and necessary expenses for each day actually engaged in the duties of his office. All moneys received by the board shall be deposited with the state treasurer to the credit of the earmarked revenue fund for the use of the state board of examiners in optometry. The board shall report *as provided in section 2 of this act."*

Amending clause.

Section 24. Section 66-1410, R.C.M. 1947, is amended to read as follows:

Compensation of board—report.

"66-1410. **Compensation of board—report.** Each of the members of said board may receive as compensation a sum not to exceed twenty dollars ($20) for each day actually engaged in the duties of their office together with all legitimate and necessary expenses incurred in attending the meetings of said board. The fees coming into said board shall be deposited into the state treasury to the credit of the earmarked revenue fund for the use of the state board of osteopathic examiners. Said board shall report *as provided in section 2 of this act."*

Amending clause.

Section 25. Section 66-1504, R.C.M. 1947, is amended to read as follows:

Montana state board of pharmacy—powers of board.

"66-1504. **Montana state board of pharmacy—powers of board.** (a) Organization of board, officers. The board shall annually elect from its members a president, a vice-president, a treasurer, and a pharmacist, who may or may not be a member, as secretary.

(b) **Powers and duties of board of pharmacy.** The Montana state board of pharmacy shall have power, and it shall be its duty:

(1) To regulate the practice of pharmacy in the state of Montana subject to the provisions of this act.

(2) To determine the minimum equipment necessary in and for a pharmacy and drug store.

(3) To regulate, under therapeutic classification, the sale of drugs, medicines, chemicals and poisons and their labeling.

(4) To regulate the quality of all drugs and medicines dispensed in this state, using the United States pharmacopoeia and the national formulary, or any revisions thereof, as the standards.

(5) To enter and inspect by its duly authorized representative at any reasonable times any and all places where drugs, medicines, chemicals or poisons are sold, vended, given away, compounded, dispensed or manufactured. It shall be a misdemeanor for any person to refuse to permit or otherwise prevent such representative from entering any such places and making such inspection.

(6) To examine, license and register as pharmacists all applicants whom the board shall deem qualified as such as prescribed herein. To license pharmacies and certain stores, and to issue certificates of 'certified pharmacy' as in this act provided.

(7) To revoke temporarily or permanently, upon fair hearing, after reasonable notice of formal charges have been served, licenses issued by it to any pharmacist or assistant pharmacist whenever the holder of such license has obtained the same by false representations or fraud of any character or shall be an habitual drunkard or addicted to the use of narcotic drugs, or shall have been convicted

of a felony, or shall have been convicted of violating the pharmacy law, or shall have been found guilty by the board of incompetency in the preparation of prescriptions, or guilty of gross immorality affecting the discharge of his duties as a pharmacist or assistant subject to the right of any person whose license may be revoked to review by the district court of the proper county on any question of law and fact.

(8) To report *as provided in section 2 of this act.*

(9) To employ necessary assistants, and make rules for the conduct of its business.

(10) To perform such other duties and exercise such other powers as the provisions of the act may require.

(11) For the purposes aforesaid, it shall also be the duty of the board to make and publish uniform rules and regulations not inconsistent herewith, for carrying out and enforcing the provisions of the act."

Amending clause.

Section 26. Section 66-2203, R.C.M .1947, is amended to read as follows:

Expenses and funds—records and reports.

"66-2203. **Expenses and funds—records and reports.** Each member of the board shall be entitled to receive all necessary traveling and subsistence expenses. The secretary-treasurer shall receive an additional salary to be fixed annually by the board and not to exceed five hundred dollars ($500) per annum. The board shall keep full and complete minutes of its proceedings and of its receipts and disbursements and a full and accurate list of all persons licensed and registered by it, and such records shall be public records, and shall, at all times, be open to public inspection. All moneys received by the board shall be deposited with the state treasurer to the credit of the earmarked revenue fund for the use of the state board of veterinary examiners. Said board shall *report as provided in section 2 of this act.*"

Amending clause.

Section 27. Section 66-2334, R.C.M. 1947, is amended to read as follows:

Records and reports—register.

"66-2334. **Records and reports—register.** *(1)* The board shall keep a record of its proceedings and a register of all applicants for registration, which register shall show (a) the name, age, and residence of each applicant;

(b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) the branch or branches of engineering in which the applicant qualified; (f) whether or not an examinations was required; (g) whether the applicant was rejected; (h) whether a certificate of registration was granted; (i) the date of the action of the board; and (j) such other information as may be deemed necessary by the board.

(2) The records of the board shall be prima-facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(3) The board shall report as provided in section 2 of this act."

Amending clause.

Section 28. Section 69-4106, R.C.M. 1947, is amended to read as follows:

Functions, powers and duties of state board.

'69-4106. **Functions, powers and duties of state board.** (1) The state board shall:

(a) advise the executive officer in all public health matters;

(b) hold hearings, administer oaths, subpoena witnesses, and take testimony in all matters relating to the duties of the state board or the department;

(c) bring actions in court for enforcement of health laws and defend actions brought against the state board or department;

(d) after consultation with the executive officer, adopt and enforce rules and standards for carrying out provisions of section 5 [69-4105] of this act and for the preservation of public health and prevention of disease;

(e) make rules covering the qualifications and professional activities, duties, services, and administration of school and local public health nurses;

(f) make rules for the transportation of dead bodies;

(g) report *as provided in section 2 of this act.*

(2) The state board may accept and expend federal funds available for public health services."

Amending clause.

Section 29. Section 70-111, R.C.M. 1947, is amended to read as follows:

Records and reports of commission.

"70-111. **Records and reports of commission.** The commission shall make reports *as provided in section 2 of this act,* which reports shall, as nearly as may be, conform in a general way to those of the railroad commission of the state, and be made at the same time. All the reports, records, accounts, files, papers, and memoranda of every nature in the possession of the commission shall be open to the public at all reasonable times, subject to the exception that when the commission deems it necessary, in the interest of the public, it may withhold from the public any facts or information in its possession for a period of not more than ninety days after the acquisition of such facts or information."

Amending clause.

Section 30. Section 71-209, R.C.M. 1947, is amended to read as follows:

Powers and duties of the state administrator.

"71-209. **Powers and duties of the state administrator.** *(1)* The administrator shall be the executive and administrative officer of the state department of public welfare and shall act as secretary of the state board. Before each regular biennial meeting of the legislative assembly he shall prepare and submit to the state board of public welfare for its consideration budget estimates of all funds required to be appropriated by the legislative assembly for the operation of the department during the two next ensuing fiscal years as fiscal years are defined by section 59-701. These budget estimates shall contain all information necessary for their consideration. After these budget estimates have been considered by the state board of public welfare, the administrator shall submit these budget estimates to the state budget director with requests for appropriations.

(2) The state administrator shall report as provided in section 2 of this act.

(3) In conformity with the merit system governing the selection and entire status of officers and employees in the state department of public welfare and in all county departments of public welfare in the state of Montana, adopted by the state board of public welfare and approved by the social security board, the state administrator shall appoint such other state department and supervisory field personnel as may be necessary for the efficient perform-

ances of the activities of the state department. The administrator shall also supervise the appointment, dismissal and entire status of the public assistance staff attached to the county boards of public welfare in accordance with the merit system. All state department and county department personnel shall be legal residents of the state of Montana, unless it is impossible to find residents of the state possessing qualifications required by the merit system."

Amending clause.

Section 31. Section 75-107, R.C.M. 1947, is amended to read as follows:

Powers and duties.

"75-107. **Powers and duties.** The state board of education shall have power and it shall be its duty:

1. To have general control and supervision of the Montana state university, *university of* Montana, Montana *college of mineral science and technology, western* Montana *college,* eastern Montana *college,* and northern Montana college, all being units of the university of Montana. It is the purpose of this act that the said six (6) units of our university system shall be considered for all purposes one university. The state board of education shall serve ex officio as regents of the university of Montana and shall use and adopt this style in all its dealings therewith.

2. To adopt rules and regulations, not inconsistent with the constitution and the laws of this state, for its own government, and proper and necessary for the execution of the powers and duties conferred upon it by law.

3. To provide, subject to the laws of the state, rules and regulations for the government of the affairs of the state educational institutions named in this section.

4. To prescribe standards of promotion to the high school department of all public schools of the state, and to accredit such high schools as maintain the standards of work prescribed by the board on all such matters of promotion and accrediting. The board shall act upon recommendation given to it by the state superintendent of public instruction.

5. To grant diplomas to the graduates of all state educational institutions, where diplomas are authorized or now granted, upon the recommendation of the faculties thereof, and may confer honorary degrees, upon persons, other than

graduates, upon the recommendation of the faculty of such institutions.

6. To adopt and use, in the authentication of its acts, an official seal.

7. To keep a record of its proceedings.

8. To report *as provided in section 2 of this act.*

9. To appoint and commission experienced teachers as instructors in county institutes.

10. To have, when not otherwise provided by law, control of all books, records, buildings, grounds, and other property of the institutions and colleges named in this section.

11. To receive from the state board of land commissioners, or other boards, or persons or from the government of the United States, any and all funds, incomes, and other property to which any of said institutions may be entitled, and to use and approprite the same for the specific purpose of the grant or donation, and none other; and to have general control of all receipts and disbursements of any of said institutions.

12. To choose and appoint a president and faculty for each of the various state institutions named herein, and to fix their compensation. The board must appoint an executive secretary of the university of Montana and fix his term of office and salary and prescribe generally his duties. Said executive secretary shall not be a member of the board. The executive secretary of the university of Montana shall serve as the secretary for the board sitting as the university regents.

13. To appoint each two (2) years a budget committee composed of four (4) members selected from the appointive members of the board, whose duties shall be to review the budget requests presented by the institutions composing the university of Montana and to transmit such requests to the board together with recommendations thereon.

14. To confer upon the executive board of each of said institutions such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers, and employees, as may be deemed expedient, and may confer upon the president and faculty

such authority relative to the immediate control, and management, other than financial, and the selection of teachers and employees, as may by said board be deemed for the best interest of said institutions."

Amending clause.

Section 32. Section 77-120, R.C.M. 1947, is amended to read as follows:

Duties of adjutant general—salary.

"77-120. **Duties of adjutant general—salary.** The adjutant general shall be ex officio chief of staff. He shall hold office until his successor is appointed and qualified. He shall appoint the civilian employees of his department, and may remove any of them in his discretion.

The expenses of the adjutant general's department, necessary to the military service, shall be audited, allowed, and paid as other military expenditures are audited, allowed, and paid.

1. The adjutant general shall keep a roster of all active, reserve, and retired officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and shall *report as provided in section 2 of this act.*

2. He shall cause the military law, the regulations of the organized militia of Montana, and such other military publications as may be necessary for the military service, to be printed, indexed, and bound at expense of the state, and distributed to the commissioned officers of the organized militia of Montana.

3. He shall keep and preserve the books, arms, accoutrements, ammunition, and other military property belonging to the state, not properly issued.

4. He shall keep just and true accounts of all moneys received and disbursed by him.

5. He shall attest all commissions issued to military officers of this state.

6. He shall make out and transmit all militia reports, returns, and communications prescribed by acts of Congress or by direction of the secretary of war.

7. He shall have a seal, and all copies, orders, records, and papers in his office, duly certified and authenticated under said seal, shall be evidence in all cases in like manner as if the originals were produced. The seal now used in the office of the adjutant general shall be the seal of his office, and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with said seal.

8. He shall make such regulations pertaining to the preparation of reports and returns, and to the care and preservation of property in possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand.

9. He shall attend to the care, preservation, safekeeping, and the repairing of the arms, ordnance, accoutrements, equipment, and all other military property belonging to the state, or issued to the state by the government of the United States for military purposes, and keep accurate accounts thereof. All military property of the state, which after proper inspection shall be found unsuitable for use of the state, shall be disposed of in such manner as the governor shall direct, and the proceeds thereof paid into the military fund of the state.

10. He shall issue such military property as the necessity of the service requires, and make purchases for that purpose. No military property shall be issued or loaned except upon an emergency to persons or organizations other than those belonging to the organized militia of Montana, except to such portions of the unorganized militia as may be called out by the governor.

11. He shall keep on file in his office the reports and returns of troops and heads of military departments, and all other writings and papers required to be transmitted to and preserved at the general headquarters of the state militia.

12. The annual salary of the assistant adjutant shall be in such amount as may be specified by the legislative assembly in the appropriation to the adjutant general. If the legislative assembly does not specify the maximum salary of the assistant adjutant general, any increase in the salary of the assistant adjutant general must be approved by the board of examiners. Before approving any salary increase, the board of examiners shall review the salaries of comparable positions in Montana state government, other states, and private industry."

Amending clause.

Section 33. Section 80-1405, R.C.M. 1947, is amended to read as follows:

Powers and duties of board.

"80-1405. **Powers and duties of board.** The board shall:

(1) Adopt general rules and regulations, not inconsistent with law, for the government of the department. Such rules and regulations may govern and provide for

(a) The admission, custody, transfer and release of residents of institutions except as otherwise provided by law. However, no such rules and regulations shall amend or alter the statutory powers and duties of the state board of pardons.

(b) The manufacture, production, acquisition, use, and transfer of materials, supplies, and produce, for and between institutions.

(c) The custody, expenditure, and receipt of moneys at institutions.

(d) Employment of personnel in institutions.

(2) Report *as provided in section 2 of this act.*

(3) Review and approve all budget requests for institutions prior to submittal to the director of the budget.

(4) Subject to the provisions of 'The Department of Administration Act,' lease or purchase lands for use by institutions, and classify such lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration the needs of all institutions for the food products that can be grown or produced on the lands, and the relative value of agricultural programs in the treatment or rehabilitation of the person confined in institutions.

(5) Utilize the staff and services of other state agencies and units of the university of Montana, within their respective statutory functions, to carry out the purposes of this act.

(6) Propose programs to the legislative assembly to meet the projected long-range needs of institutions, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions.

(7) Encourage the establishment of programs at the local level for the prevention and rehabilitation of physical and mental disability.

(8) To choose, appoint and discharge the warden or superintendent of each of the institutions or facilities in the department and, unless the legislative assembly has specified the salary of the warden or superintendent of the institution or facility in the appropriation to the department of institutions, fix their compensation after approval by the board of examiners. Before approving any salary increase, the board of examiners shall review the salaries of comparable positions in Montana state government, other states, and private industry."

Amending clause.

Section 34. Section 81-1411, R.C.M. 1947, is amended to read as follows:

Duties of state forester.

"81-1411. **Duties of state forester.** The state forester shall, under the direction and control of the state board of land commissioners, do all the field work in the selection, location, examination, appraisement, and reappraisement of state timberlands, whether now belonging to the state or hereafter granted to the state; he shall do all acts required of him to be performed by the said board, and under the direction of said board shall have general charge of the timberlands of the state. He shall act as secretary of the forestry board. He shall, under the supervision of the state board of land commissioners, execute all matters pertaining to forestry within the jurisdiction of the state; have charge of all firewardens of the state and direct and aid them in their duties; direct the protection, improvement and condition of state forests; take such action as is authorized by law to prevent and extinguish forest, brush and grass fires; enforce the laws pertaining to forest and brush-cover lands, and prosecute for any violation of such laws. He shall report *as provided in section 2 of this act.* He shall furnish notices, printing in large letters, calling attention to the danger from forest fires, and to the forest fire and trespass laws, and their penalties. Such notices shall be posted by the firewarden in conspicuous places in the several counties of the state, and particularly in brush and forest-covered country, at frequent intervals along streams and lakes frequented by tourists, hunters, and fishermen, at established camping sites, and in every post office in the forested region."

Amending clause.

Section 35. Section 82-111, R.C.M. 1947, is amended to read as follows:

Assistance of controller to legislative assembly—reports of controller.

"82-111. **Assistance of controller to legislative assembly—reports of controller.** It shall be the duty of the controller to make all such reports and to submit all such information and data as the legislative assembly may request, and he shall, when requested so to do, attend all meetings of the appropriations committee of the house of representatives and of the finance and claims committee of the senate, and the controller shall, during the consideration of appropriation measures by the house and senate, devote so much of his time thereto as may be required by the above-named committees, under the direction of the respective chairmen of said committees."

Amending clause.

Section 36. Section 82-302, R.C.M. 1947, is amended to read as follows:

Secretary of commission—duties—limitation on salary and expense—report of commissioner to governor.

82-302. **Secretary of commission—duties—limitation on salary and expense—report of commission to governor.** The commission shall appoint, and at its pleasure remove, a secretary to the commission, whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission and to perform such other duties as the commission may prescribe; and he may under the direction of the commission issue subpoenas for the attendance of witnesses before the commission and may, under direction of the commission, administer oaths in all matters pertaining to the duties of his office or connected with the administration of the affairs of the commission. The necessary traveling and other necessary expenses, including the salary of the secretary not exceeding twenty-five dollars ($25) per month, which shall be determined by the commission, shall be paid monthly by the state treasurer on warrant properly drawn out of the proceeds of the tax to be collected as herein provided. The commission shall *report as provided in section 2 of this act.*"

Amending clause.

Section 37. Section 82-1002, R.C.M. 1947, is amended to read as follows:

Duties of state examiner.

"82-1002. **Duties of state examiner.** The duties of the state examiner and his assistants are:

1. To examine at least once in each year the books and accounts of the state treasurer, clerk of the supreme court, county treasurers, county clerks, county assessors, district court clerks, county auditors, sheriffs, public administrators, boards of county commissioners of each county, and all other county and municipal officers, boards and institutions.

2. To prescribe the general methods and details of accounting for the receipt and disbursement of all moneys belonging to the counties, cities, towns, or school districts, and to establish in all such offices such general methods and details of accounting as are required by law or are prescribed by the state examiner, and all county, city, town or school district officers are hereby compelled to conform therewith.

3. To visit each and every office of the officers, boards and institutions named in this act at least once in each year; and at such time to examine the books, accounts and vouchers in said office, to verify statements of receipts and expenditures, and indebtedness, and to examine and pass upon the character and amounts of any commissions, percentage, or charges for services, exacted by any officer, and of all claims allowed by any of said officers, boards or institutions.

4. To visit twice each year, or oftener, without previous notice, each of the banks, banking corporations and saving banks, building and loan associations, investment and loan companies incorporated under the law of this state, or doing business under any law of the state concerning corporations, and to examine into their affairs and ascertain their financial condition; to inspect and verify the value and the amount of their securities and assets, and to inquire into any violation of laws governing such banks, institutions, building and loan associations.

5. The state examiner, after examination of the affairs of any officer or board of county commissioners, must make report to the governor and to the attorney general of the result of such examination, within sixty days thereafter; and if any violation of law or nonperformance of duty is found on the part of any such officer or board, they must be proceeded against by the attorney general or county attorney as provided by law.

6. The state examiner, or his assistants, after the examination of the affairs of any county officers, must make report of such examination to the board of county commissioners and to the county attorney of such county, within thirty days after such examination; and if any violations of law or nonperformance of duty is found on the part of any county officer or board, such officer or board must be proceeded against by the county attorney of the county as provided by law.

7. The state examiner must report *as provided in section 2 of this act.*

8. It shall be the duty of the county attorneys of the various counties of the state of Montana and the city attorneys of the various cities and towns of the state of Montana to make report to the state examiner within thirty days after receiving from the state examiner the report of any examination of any county, city or town, as to what proceedings he has instituted or is intending to institute relating to violations of law and nonperformance of duty, as set forth in the report of the state examiner.

9. If any county or city attorney refuses or neglects to notify the state examiner within thirty days after receiving the report of any examination of any county, city or town, as to what proceedings he has instituted or is about to institute against any officer for violations of law or nonperformance of duty, as evidenced by matters of record, and as set forth in the state examiners report; the state examiner may withhold the salary of such county or city attorney by filing notice with the proper officials, until proper and satisfactory explanation has been made to the state examiner for such nonperformance of duty, provided further, that should the county or city attorney fail or refuse to prosecute such cases, the state examiner may employ an attorney to prosecute such case at the expense of the county, city, or town."

Amending clause.

Section 38. Section 82-1519, R.C.M. 1947, is amended to read as follows:

Compensation of chairman and officers—report.

"82-1519. **Compensation of chairman and officers—report.** It shall be the duty of all public officers to perform the duties relative to hail insurance under this act, without other compensation than that allowed by law. The chairman of the state board of hail insurance

shall receive a salary in such amount as may be specified by the legislative assembly in the appropriation to the board of hail insurance and all appointed officers and employees under this act shall be allowed the per diem and mileage allowed state employees. The compensation of all appointed officers and employees of the board shall be fixed by the state board of hail insurance. If the legislative assembly does not specify the maximum salary for the head of the agency, the salary shall be fixed by the state board of hail insurance after approval by the board of examiners. Before approving any salary increase, the board of examiners shall review the salaries of comparable positions in Montana state government, other states, and private industry.

The chairman of the state board of hail insurance shall *report as provided in section 2 of this act.*"

Amending clause.

Section 39. Section 82-3606, R.C.M. 1947, is amended to read as follows:

Duties of council.

"82-3606. **Duties of council.** The duties of the council shall be:

(1) To encourage throughout the state the study and presentation of the arts and to stimulate public interest and participation therein;

(2) To co-operate with public and private institutions engaged within the state in artistic and cultural activities, including but not limited to, music, theatre, dance, painting, sculpture, architecture and allied arts and crafts and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(3) To foster public interest in the cultural heritage of our state and to expand the state's cultural resources;

(4) To encourage and assist freedom of artistic expression essential for the well-being of the arts;

(5) To report *as provided in section 2 of this act.*"

Amending clause.

Section 40. Section 87-120, R.C.M. 1947, is amended to read as follows:

Administration—duties and powers of commission.

"87-120. **Administration—duties and powers of commission.** It shall be the duty of the commission to ad-

minister this act; and it shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this act, which the commission shall prescribe. The commission shall determine its own organization and methods of procedure in accordance with the provisions of this act, and shall have an official seal which shall be judicially noticed. *The commission shall report as provided in section 2 of this act.* Such report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commission believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, it shall promptly so inform the governor and the legislature, and make recommendations with respect thereto."

Amending clause.

Section 41. Section 92-118, R.C.M. 1947, is amended to read as follows:

Reports and bulletins which may be published.

"92-118. **Reports and bulletins which may be published.** The board shall have the power and authority to publish and distribute at its discretion from time to time, in addition to its report *required by section 2 of this act*, such further reports and bulletins covering its operations, proceedings, and matters relative to its work as it may deem advisable."

Amending clause.

Section 42. Section 94-9824, R.C.M. 1947, is amended to read as follows:

Seal, orders, records, report.

"94-9824. **Seal, orders, records, report.** The board shall adopt an official seal of which the courts shall take judicial notice. A majority of the board shall constitute a quorum. Decision of the board may be by majority vote. The orders of the board shall not be reviewable except as to compliance of terms of this act. The board shall keep a record of its acts and decisions available to the public,

providing, however, that all social records, including the pre-sentence report, the pre-parole report and the supervision history obtained in the discharge of official duty by any member or employee of the board, shall be confidential and shall not be disclosed directly or indirectly to anyone other than the members of the board or a judge; provided, however, that the board or a court may in its discretion, whenever the best interest or welfare of a particular defendant or prisoner makes such action desirable or helpful, permit the inspection of the report or any parts thereof by the prisoner or his attorney. *The board shall report as provided in section 2 of this act.*"

Amending clause.

Section 43. Section 82-1916, R.C.M. 1947, is amended to read as follows:

Printing and publications.

"82-1916. **Printing and publications.** The state purchasing agent shall have exclusive power, subject to the consent and approval of the governor, to contract for all printing for any purpose used by the state of Montana in any state office, elective or appointive or by any state board, commission, bureau, state institution or department except the printing of the decisions of the supreme court as provided in section 82-2004, and shall supervise and attend to all public printing of the state of Montana in the manner in this act provided, and shall prevent duplication and unnecessary printing; all forms, blanks and documents printed for distribution to the departments of the state government or state institutions shall be serially numbered and indexed by the state purchasing agent and sample copies of each thereof permanently retained in his office; and the state purchasing agent shall from time to time furnish to the public general information as to the nature, description and official numbers of such reports as are available for public distribution.

Unless otherwise provided by law, the state purchasing agent in letting contracts as provided in this act, for the printing, binding and publishing of all laws, journals and reports of the various offices, departments, boards, commissions and institutions of the state, shall have the power to determine the quantity, quality, style and grade of all such printing, binding and publishing."

Repealing clause.

Section 44. Sections 40-2712, 41-1607, 41-1608, 46-106, 46-242, 66-2106, 72-138, 75-1309, 75-1310, 81-206, 81-1702.4,

82-804.3, 82-2704, 82-3506, and 82-3708, R.C.M. 1947, are repealed.

Approved: February 24, 1969.

CHAPTER 94

An Act to Amend Sections 79-101, 79-102, 79-108 and 79-109, R.C.M. 1947, to Revise the General Fiscal Duties of the State Auditor; to Delete the Provisions Requiring the Biennial Reports; to Allow the State Auditor to Offset Any Amount Due a State Agency Against Any Amount Owing the Debtor by any State Agency; to Give the Auditor Authorization to Establish a Cost Accounting System and to Charge for Services Rendered State Agencies; Raising the Time for Presentation of State Warrants from Six Months to One Year; Providing that Certain Payees Need Not Deposit a Bond Upon Issuance of a Duplicate Warrant; to Generally Update the Accounting Duties of the State Auditor in Keeping with Present Montana Law; Repealing Section 79-107, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 79-101, R.C.M. 1947, is amended to read as follows:

General fiscal duties of state auditor.

"79-101. **State Auditor—general fiscal duties.** It is the duty of the state auditor:

1. To superintend the fiscal concerns of the state.

2. When requested, to give information in writing to either house of the legislative assembly relating to the fiscal affairs of the state or the duties of his office.

3. To suggest plans for the improvement and management of the public revenues.

4. To keep an account of all warrants drawn upon the treasurer, *and such other account and appropriation records that he determines to be essential for the support of the accounting records maintained in the office of the state controller.*

5. To keep an account between the state and the state

treasurer, and therein charge the state treasurer with the balance in the treasury when he came into office, and with all moneys, received by him, and credit him with all warrants drawn on and paid by him.

6. To keep a register of warrants, showing the fund upon which they are drawn, the number, in whose favor, *and the date issued.*

7. *In his discretion* to examine and settle the accounts of persons indebted to the state, and certify the amount to the treasurer, and upon presentation and filing of the treasurer's receipt therefor, to give such person a discharge and charge the treasurer therewith.

8. In his discretion to require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it.

9. To require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts.

10. In his discretion to inspect the books of any persons charged with the receipt, safekeeping, or disbursement of public moneys.

11. In his discretion to require all persons who have received moneys or securities, or have had the disposition or management of any property of the state of which an account is kept in his office, to render statements thereof to him; and all such persons must render statements at such times and in such form as he may require.

12. *In his discretion to examine* the collection of moneys due the state, and institute suits in its name for official delinquencies in relation to the assessment, collection, and payment of the revenue, and against persons who by any means have become possessed of public money or property, and failed to pay over or deliver the same, and against debtors of the state; of which suits the courts of the county in which the seat of government may be located have jurisdiction, without regard to the residence of the defendants.

13. *In his discretion, to offset any amount due a state agency from a person or entity, against any amount owing such person or entity by any state agency. The*